

REMARKS

Claims 1-4, 6-16 and 18 are pending and claims 19-34 remain withdrawn. By this Amendment, no claims are cancelled, claim 1 is amended and no new claims are added.

Claims 1-4, 6-16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the book "Breads" in view of the book "Professional Baking" and the book "Baking with Julia." Applicants respectfully traverse the rejections. In particular, the Office Action at page 3 states that the "new limitation of 'enhanced crown or cap volume of at least 9%' does not define over the prior art dough because the prior art teaches applying a coating of fat on the external surface of the dough...[and] any inherent benefit resulting from the coating will also [be] present in the prior art product." Applicants respectfully traverse this statement.

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness". *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Applicants respectfully submit that the Examiner has not pointed to any evidence or rationale that an enhanced crown or cap volume of at least nine percent is an "inherent benefit" resulting from the application of a coating of fat on the external surface of a dough, or that one of ordinary skill in the art would even look to the teachings of "Breads," "Professional Baking," or "Baking with Julia," taken alone or in combination, to create a resulting final baked dough product that has improved organoleptic properties such as an enhanced crown or cap volume of at least nine percent or a BSV of greater than 3 ml/g.

The cited references are directed to preparation of baked products by professional bakers or at-home bakers. On the other hand, the commercially-produced or mass-produced dough intermediates of the present disclosure require refrigeration and freezer handle-ability and tolerance because it can oftentimes take days and weeks before the consumer or ultimate baker subjects the dough intermediate to a final finishing step, such as a heat treatment step like baking. In contrast, the cited references teach the fresh-at-home or fresh-in-the-bakery users how to make baked goods that do not require as much, or any, tolerance to handling, temperature changes, storage, shelf-life, etc.

None of the cited references, contemplates or even hints at preparing a dough intermediate including a plasticizing layer, subjecting the dough intermediate to an intermediate heat or energy treatment step, i.e. par-baking step, followed by refrigerating or freezing the par-baked dough intermediate, and then subjecting the previously stored dough intermediate to a final finishing step to create a resulting final baked dough product that has improved organoleptic properties such as an enhanced crown or cap volume of at least nine percent or a BSV of greater than 3 ml/g. Rather, the Examiner has used improper conclusory statements to assert that because the prior art teaches applying a coating of fat on the external surface of the dough, "any inherent benefit resulting from the coating will also be present in the prior art product," and has not provided a rational underpinning for the provided reasoning. Therefore a conclusion of obviousness cannot be supported.

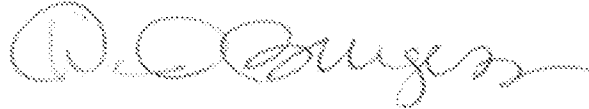
It is respectfully submitted that independent claims 1, 12, and 18 are allowable for at least these reasons. Claims 2-5 and 6-11 depend from claim 1, and claims 13-16 depend from claim 12, and are allowable for at least the same reasons the underlying base claims are allowable.

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In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Burgess", with a stylized, flowing script.

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